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SPEECH OF EX-GOV. ROSS ON THE SANTA FE STATE CONSTITUTION.

(Silver City Sentinel.)

The following is a synopsis of the material portions of Gov. Ross' speech at Morrill Hall, Sept. 27th:

From now till the 7th of October, the Constitution framed at Santa Fe in September last is and will continue to be the essential and by far the most important issue of this political campaign. It is not a question of statehood, as the supporters of that constitution are seeking to make you believe. The question of statehood, in itself, has nothing to do with the adoption or rejection of that Constitution.

A vast majority of those who oppose this Constitution are as much in favor of statehood as are any who will vote for it, but they are in favor of coming into the Union by the front door, under an enabling act from Congress, with a Constitution framed by a convention which shall fairly represent all parties and all the people of the Territory—not a convention representing but a faction of one party, and that the minority party.

The framing of a constitution for the government of a great state is a very grave, responsible duty—not to be lightly assumed or slightly discharged, and last of all, not to be regarded in the light of a personal or partisan affair—the humor in which this one seems to have been conceived and framed.

Nor is there any force or sense in the plea that the rejection of this constitution will be regarded as a vote against statehood, and that therefore indefinite years will elapse before there will be another opportunity for obtaining admission. There have been repeated instances, with two of which I am personally cognizant—Wisconsin and Kansas—in which territories have rejected constitutions framed under the authority of congressional enabling acts, and soon thereafter were admitted under constitutions framed by conventions authorized by their territorial legislatures.

But the question will not naturally be asked, if we are in favor of statehood, why do we oppose this constitution? I will let the constitution itself answer that question.

The principle of co-ordinate equality between the three great departments of government, and the independence of each in its sphere, is the very corner stone of our political system, without the rigid preservation of which that system could not exist a day.

Power constantly and instinctively seeks to beget power to itself, and a removal or weakening of the barriers which the constitution has established between the several departments and distinctly defined the duties and powers of each, would eventually result in confusion and disruption, and in the complete wreck of the most splendid political fabric, for the conservation of human right and the redress of human wrong, that the world has ever seen.

The disturbance of this quality of co-ordination is precisely what this proposed constitution will effect, and for a purpose which I shall disclose and make manifest.

This assault upon a long established basic principle of American government, handed down to us through more than a hundred years of the beneficent working of the American constitution, is found in two separate portions of this proposed constitution—sections 6 and 8 of article 5—and practically comprise one proposition—the degradation of the executive and the assumption of authority over that official by the legislative branch.

Section 6 provides that after a bill shall have been vetoed by the Governor, it may be passed over the veto by the vote of two-thirds of the members present, instead of the usual provision—two-thirds of all the members.

This simply means that if through any instrumentality, or any mischance or collusion, or otherwise, there might be but a quorum present, it will be lawful for two-thirds of that quorum to pass a vetoed bill.

To illustrate—the house of representatives is to consist of 47 members. A majority of that number would be 24. That would be a quorum to do business, and if no more were present, as often happens in legislation, 10, or two-thirds of the members present, and voting for a vetoed bill, would be sufficient to pass it over the Governor's veto.

Here we have the extraordinary condition of things which this constitution makes possible, wherein the votes of 24, a majority of all the members elected, are required to pass a bill in the first instance, yet the same bill may be

passed over the Governor's veto by 16, or one-third of the membership of the house, provided a quorum or 24 be present.

The other branch of this scheme of impingement upon the executive function is in section 8 of the same article, which provides that upon the impeachment of the Governor he is by force of that provision immediately suspended from office, no matter how groundless or from what motive the accusation—he is at once pronounced guilty by this constitution, without a trial, without investigation in any manner or form whatever, stripped of his office, and so far as that goes, to all intents and purposes branded before the world as a public criminal—though the charges may be based in purely personal or political malice and utterly without truth or even plausibility, and without consultation or concurrence of the council—purely an exparte affair.

That this is the purpose of this section of the constitution is manifest in the light of another section relating to the impeachment of the judges, where it is provided that these officials may be removed from office only upon impeachment and conviction—a manifest distinction.

The power thus given the legislative branch over the executive is thus made far reaching in its mischievous energy. The power of impeachment is vested in the house of representatives, and that by a bare majority of its members. It is possible under this constitution for a majority unfriendly to the Governor, to prefer an impeachment at any time and upon any baseless accusation—of a merely partisan or personal character.

The succession to the Governorship in case of impeachment is, first, the Lieutenant Governor, then the president of the senate, and lastly, the speaker of the house. One after the other of these may in this manner be set aside, still without the concurrent action or sanction of the senate, till the house thus succeeds in putting into the executive office the man that will do its bidding—possibly the very man who originally introduced this impeachment process for the very purpose thus reached.

The house becomes in fact the governing element and may absolutely override and nullify the will of the people as to their executive and utterly without cause, and there is for the time being no redress. The house becomes in fact the governing element and may even dictate the appointment of the judges of the supreme court, by its power over the Governor.

The most flagrant and dangerous feature of all this is the attempted after subjugation of the executive to the behest of a majority of the house of representatives. He is thus placed in a condition of constant duress during the sessions of the legislature. The power of the house to suspend him for the balance of the term, without trial, is an ever present threat of removal, in case of difference with the majority of that body, no matter what may be the cause of that difference, and though the senate may be known to be adverse to the proceeding.

This disturbance of the splendid equipoise of our political system would sow the seeds of political, commercial and social disintegration, which could not but result in very grave public disaster.

It will be useless to object that this condition of affairs can never occur, or even that it is extremely unlikely, for it has once occurred, or at least been attempted, in this proposed constitution.

It was once my good fortune—and from that day to this its re-election—has been my pride—to contribute somewhat to the defeat of a project born of similar motives and with similar purposes to those hidden in this constitution, and which, if successful, would have been the world's greatest misfortune.

That same danger now threatens

New Mexico, and in a vastly

more inidious and consequently

more dangerous form—by the incor-

poration into its organic law—

there to become an element of

personal and partisan strife and

factional contention—of a prin-

ciple and rule of public adminis-

tration at once reactionary and rev-

olutionary—repressive of all the

energies of public development,

and impregnated with the active

venom of public suicide.

It is for this reason that this constitution thus departs from the well marked highway of safety in the organization of states, and starts out with the incorporation of self-destructive axioms introduced by its authors under the smart of personal and political friction and defeat, that I adjure you to desist its rejection, and thus prepare the way, under a Congressional Enabling Act, for a non-partisan constitution that will reflect the wisdom, the progress, and the grandeur of our American civilization.

The effect of that impeachment, if successful, would have been the subordination of the executive to the legislative power, and thus a disturbance of the equality of the several departments of the government. That in turn would logically and inevitably have been followed by a corresponding

absorption by the legislative of the power of the judicial branch, and thus the governing force, political and judicial, would at last have centered in the congress, and practically in the house of representatives—all the guarantees of the constitution virtually destroyed, and this great country swept eventually by the combined and steadily increasing forces of disintegration thus set in motion, into the tumult of revolution and the unbridled rule of the mob.

But the constitution did not permit the suspension of the President from office upon mere accusation, and reluctantly the impeachers were forced to await the fruition of their schemes upon the issue of trial.

In the case now at issue, however, the framers of the proposed constitution seem to have sought to profit by the experience of the impeachers of twenty years ago, and have made provision against both the delay of trial and the contingency of failure of conviction.

The governor is to be removed at once upon accusation and without trial, and the impeachers installed in undisputed power.

Many of the authors of this constitution were members of the late legislative assembly, and have reflected in this instrument, evidently by design and for a purpose, the frictions that then arose between themselves and the territorial Governor.

Though they had by brutal methods manufactured a three-fourths majority of their adherents in both houses of that body, whereby they hoped to enact into law their various schemes of personal and partisan malignity, a large proportion of those measures failed to pass over that Governor's veto.

It is unreasonable to suppose or hard to believe, when we remember who were the real authors of the legislation of two years ago and what their history, and recall the fact that these same men were the authors of this constitution and expect to continue to control legislation by virtue of the unequal and partisan apportionment established thereby, that these very extraordinary provisions were incorporated therein for the especial purpose of controlling, or failing in that, of destroying an executive elected by the people and regardless of his oath of office and of the interests of the people. In the light of these facts and of history, these features of their constitution become—not the conservative, orderly methods of administration—but features to be guarded against.

It is perhaps because I have had in my time some experience in the matter of impeaching an Executive, that my attention has been sharply drawn to this especial feature of the proposed constitution, and it is not surprising that I should speak feelingly on this subject, for it is in this connection that I have been brought face to face with the greatest danger that has yet threatened the perpetuity of our institutions. I know what is implied in the unbridled power of impeachment.

It was once my good fortune—and from that day to this its re-election—has been my pride—to contribute somewhat to the defeat of a project born of similar motives and with similar purposes to those hidden in this constitution.

And though I have been willing to adopt such a constitution as the people of this territory could be compelled thereto. Give us a constitution which will provide equitable exemption laws so that a poor man can subsist in New Mexico as well as in other states. And provide for the assessment and collection of taxes, so that there will be no favored class who can in any manner evade their proper and just portion of taxes in the state. And establish a civil government. With such a constitution in place before the people, democracy will vote for its adoption. Where are they? [Black Range.]

The statehood question is a separate and distinct one from the so-called constitution to be voted upon on the 7th. Many, and in fact, a majority of democrats are favorable to statehood, and would vote to adopt such a constitution as the people of this territory could be compelled thereto.

Give us a constitution which will provide equitable exemption laws so that a poor man can subsist in New Mexico as well as in other states. And provide for the assessment and collection of taxes, so that there will be no favored class who can in any manner evade their proper and just portion of taxes in the state. And establish a civil government.

With such a constitution in place before the people, democracy will vote for its adoption. Where are they? [Black Range.]

Will our contemporaries be kind enough to state in what way the proposed constitution leaves a "special tax" on a poor man's cow, or his horse or burro or pig, and will it further increase the obligation to pay taxes? [Black Range.]

His, Natl. B. Field, in Albuquerque, addressed an anti-slavery meeting in Basin Tuesday evening. His arguments were against the proposed state constitution and he made some telling points against the inadequacy of the school provisions and the manner of raising revenue and the selection of the supreme judges by the government. His audience was very ignorant and his speech was well received.

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